

The Double Patenting Rejection

On page 3 of the Office Action, the Examiner has rejected claims 1-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Application No. 09/628,400. Concurrently herewith, applicant submits a Terminal Disclaimer to overcome this rejection.

The Present Invention

The present invention provides a system and method for predicting the likelihood of materialization of pending reservations for the purchase of perishable commodities, reserved as part of a group booking, which system and method provides for the gathering and analysis of *reservation information* pertaining to perishable commodities for which group reservations for purchase have been made in the past, gathering and analysis of *reservation information* pertaining to perishable commodities for which group reservations for purchase are currently pending, and determining, based upon the analysis, the likelihood that a particular pending group reservation will actually be purchased or “materialize”.

The term “reservation information” (both past and current) is clearly defined in the specification of the present invention as including commodity details, demographic information, and/or POS information relating to past or current reservations for perishable commodities. All of this *reservation information* is directed to all *reservations* that have been made, including reservations made for commodities unrelated to the commodity being reserved. That is, they do

not focus on a specific flight or other specific commodity; instead, they are related to all available commodities.

By gathering and analyzing data relating to the reservations on a global basis in this manner, characteristics of purchasers, commodities, and types of purchases can be analyzed and identified and utilized to characterize reservations generally and the people who made them, rather than specifically characterize one particular commodity (e.g., a particular flight).

U.S. Patent No. 4,775,936 to Jung

U.S. Patent No. 4,775,936 to Jung (“Jung”) teaches a system which tracks the frequency with which a particular flight segment (or segments) experiences overbooking or underbooking, and based on this statistical analysis, increases the point at which an upcoming occurrence of that particular flight segment is considered “closed” to a number greater than 100% of capacity of the aircraft, with the exact percentage greater than 100% being based upon the historical data for that flight.

U.S. Patent No. 5,648,900 to Bowen et al.

U.S. Patent No. 5,648,900 to Bowen et al. (“Bowen”) teaches a computerized reservation system including controlling and monitoring of group travel-related services. Using the system of Bowen, an administrator managing a group reservation can make a single change to any one of the master inventory, group control records, group passenger name records, and appropriate

changes are automatically made for all within the group. The Examiner relies on Bowen for an alleged teaching of controlling and monitoring of group travel-related services including storing in a storage unit information related to an historical and current group control record comprising information such as the name and ID of the owner and organizer of the group travel, the group name, the wholesaler's address, the phone number of the owner, the inventory items obtained from a master inventory, the date contained on the inventory item on which unused inventory must be returned to a provider, an airline record locator, departure and arrival cities, the dates of travel.

The §103 Rejections

On page 5 of the Office Action, the Examiner rejected claims 1-2 and 14-15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,775,936 to Jung, and on page 8 of the Office Action, the Examiner rejected claims 3-13 and 16-26 under 35 U.S.C. §103(a) as being unpatentable over Jung and further in view of U.S. Patent No. 5,648,900 to Bowen et al.

The prior art cited by the Examiner contains absolutely no suggestion of examining details relating to all flights, for example, each purchaser of tickets for any group flight reservation, each person making group reservations for any flight, the type of travel being conducted (e.g., business, pleasure, etc.), whether the person making the reservation is a frequent flyer, etc. The "traffic information" of Jung is limited to information pertaining to a particular flight segment. As set forth in previous arguments, using the Jung system, only information pertaining to a

specific flight segment is analyzed, and based upon past history of that flight segment, decisions are made regarding booking levels for an upcoming occurrence of that flight segment. Nothing in Jung suggests analyzing all flights, including those unrelated to the particular flight segment, and characterizing reservations generally using this information, as well as characterizing the people who made them, rather than specifically characterizing one particular flight as is done by Jung.

This specific, all-inclusive definition of “reservation information” is clearly set forth in the specification:

“As an example, assume that the group reservations made by David S. over the past two years have an average materialization level of 60%. Assume further that the current group reservation request from David S. being processed by current reservation processor 316 is for a group of 150 people for a non-stop, Philadelphia-to-London flight; the purpose of the trip is for a corporate business retreat; the group reservation is being made 9 months before the perishing date of the flight; a 50% non-refundable down payment is being made to hold the reservations; and the group reservation is being made by direct contact between the group coordinator and the airline. Using the present invention, the data warehouse 300 is can search for *all* previous reservations having the same attributes, and the materialization level for *all* past reservations that have the same attributes is evaluated. The past reservations that are analyzed may be individual bookings having characteristics similar to the bookings of the current group reservation request, or the analysis can be limited to past group bookings having similar characteristics. Based on this information, if it is determined that reservations having these attributes have a 98% materialization rate, this factor is applied to the current reservation, using the yield management system 314 in a well-known manner.

Using the prior art method which would look only at the past overall performance of David S., the airline would assume that only 60%, or 72 of the 150 reservations, would actually materialize, and the yield management system 314 would allow overbooking of the flight accordingly. Using the present invention, however, the airline would assume that for *this* particular group booking by David

S., 98%, or 147 of the 150 reservations, would actually materialize, and the overbooking for this particular flight would be considerably less than if the prior art methods were used.”

(Page 17, line 15 to page 18, line 17 of application as filed.)

Clearly, the present application defines “reservation information” to be more than just information related to a particular flight or flight segment. The specification of the present invention specifically sets out that reservation information includes data in the data warehouse for all previous reservations (including those unrelated to the particular flight) having the same attributes, and the evaluation of the materialization level for all past reservations (including those unrelated to the particular flight) that have the same attributes, not just a particular flight as in Jung. Analyzing all reservation information (including those unrelated to the particular flight) is not taught or suggested by any of the prior art cited by the Examiner (neither Jung nor Bowen), either alone or in combination.

Without such a suggestion, it is improper to reject the claims under 35 U.S.C. §103. In fact, the references cited by the Examiner teach away from using all reservation information, preferring to focus on a particular flight precisely because, in Jung, the idea was to assume that if over-booking occurred on a particular flight segment, it would likely happen again for a later occurrence of the same flight segment. Jung would consider data pertaining to other flights as “noise” to be filtered out and ignored.

The claims specifically recite the use of reservation information, defined as information pertaining to all reservations, not just those for a specific flight. Further, they now distinguish

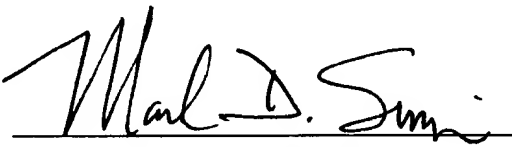
commodity details regarding a particular commodity from details unrelated to that particular commodity. They are distinguishable over any teaching or suggestion of the cited art.

Conclusion

The present invention is not taught or suggested by the prior art. The claims have been amended per the suggestion of the Examiner. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited. The Examiner is hereby authorized to charge any fees associated with this Communication to Deposit Account No. 09-0457.

Respectfully submitted

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Date


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